

## **REMARKS**

In this Office Action, Claims 1-12 and 14-22 are pending and stand rejected. In response, Claims 1, 2, 8, 11, 14, 17, and 22 are amended, no claims are cancelled and no claims are added. Applicants respectfully request reconsideration in view of the above amendments and the following remarks.

### **I. Claims Rejected Under 35 U.S.C. § 101**

Claims 8-12 and 14-21 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Examiner alleges that the claims are directed to a non-statutory subject matter. In response, the specification is amended to distinguish a machine readable storage medium and a machine readable transmission medium.

We submit that a machine readable storage medium having instructions encoded therein is directed to statutory subject matter in compliance with 35 U.S.C. § 101. In view of Applicant's amendment to the specification, we respectfully submit that Claims 8-12 and 14-21 are directed to statutory subject matter in compliance with 35 U.S.C. § 101. Consequently, we respectfully request that the Examiner reconsider and withdraw the rejection of Claims 8-12 and 14-21 under 35 U.S.C. § 101.

### **II. Claim Objections**

Claims 8, 11, and 17 are objected to because of formalities. In response, Applicant has made the amendments requested by the Examiner and therefore request withdrawal of the objections to Claims 8, 11, and 17.

### **III. Claims Rejected Under 35 U.S.C. § 112**

Claims 1-12 and 14-22 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response, we have amended the claims to remove the phrase "at the time of retirement" as well as the term "speculative" from claims 1, 2, 11, 14, 17, and 22. In addition, claim 8 is

amended to recite “a store queue to track only store instructions that allocates issued store instructions in program order.” Claim 11 is also amended to recite “the load structure.”

In view of these amendments to claims 1, 2, 8, 11, 14, 17, and 22, we submit that such claims as amended now particularly point out and distinctly claim the subject matter which applicant regards as the invention. Therefore, please reconsider and withdraw the 35 U.S.C. §112 rejections of 1-12 and 14-22.

### CONCLUSION

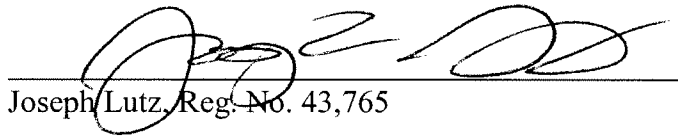
In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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#### CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.

  
Alexandra Y. Caluen May 6, 2008